

MINUTES
BOARD OF ADJUSTMENT
OCTOBER 1, 2015

ROLL CALL:

Liza Streett	Louis Clayton, Planner
Mary DeBenedetti	Ken Heinz, Acting City Attorney
Mel Disney	
Rick Bliss	
Chairman Gary Soule	

The minutes of the March 5th, May 7th, July 2nd & September 3rd, 2015 meetings were presented for approval. Chairman Soule asked that approval of all these minutes be postponed to give all the members more time to review them. Approval of the minutes was tabled.

Chairman Soule welcomed everyone to the meeting and noted that there are two matters up for consideration this evening and that there was a full complement of the Board (5 members). All Board members and city staff introduced themselves.

Appeal from Eric & Marya Strand, 6485 Wydown Boulevard

Chairman Soule verified that the applicant was in attendance.

Those wishing to speak were sworn in by Kathy Scott, Planning Technician/Recording Secretary.

Chairman Soule announced that there are five members in attendance tonight.

Chairman Soule asked if the City had any exhibits to present.

Acting City Attorney Heinz presented the following exhibits:

1. City of Clayton Zoning Ordinance and City Master Plan
2. Application for Zoning Review and Denial Letter
3. Application for Appeal
4. Drawings submitted by applicant
5. Staff Report

Chairman Soule asked the applicant if he had any objections to these exhibits being made part of the record.

Mr. Strand replied “no”.

Chairman Soule announced that these exhibits would be entered into the record.

Mr. Strand explained that the plan is to remodel the home and to expand it to include adding a 2-car detached garage at the rear of the property. He stated that this garage would align with his neighbors' garage to the north, the Gershman's garage. He noted this is a corner lot and compliance with the current setbacks result in the garage being located in the middle of the back yard.

Mel Disney asked if this property is in the Skinker Heights Subdivision.

Mr. Strand replied yes, indicating that he spoke with JoAnne Boulton (Alderman) who didn't have a problem with the plans, but that he hadn't presented them at a larger neighborhood discussion.

Rick Bliss asked what the setback would be if it were an attached garage.

Louis Clayton indicated that the same setback (along University Lane) would be required.

Rick Bliss noted that the owners are currently parking cars on a pad. He asked Mr. Strand if he considered constructing a garage where the cars are being parked now.

Mr. Strand stated that cars don't fit in the existing garage and that they contemplated putting up a garage behind the addition, but that would require changing out a glass wall to a solid wall because the addition would then abut a garage.

Mel Disney asked if the pavement that extends beyond the existing garage would be removed.

Mr. Strand replied "yes and re-sodded".

Chairman Soule asked if the proposed detached garage would be accessed off University Lane.

Louis Clayton replied "yes".

Chairman Soule asked if the detached garage would be adjacent to the Gershman's garage.

Mr. Strand replied "yes".

Chairman Soule asked if the proposed garage is consistent with the platted building line and the Gershman's garage.

Louis Clayton explained that the City does not enforce the [20 foot] platted building line; the City's rules are typically more stringent.

Chairman Soule asked Louis if garages are a common element of a residential use.

Louis Clayton replied "yes".

Chairman Soule asked if staff agrees that granting this variance would not be a detriment to the public safety and won't impair light or air to adjacent properties.

Louis Clayton agreed.

Chairman Soule made reference to the two alternatives in the staff report.

Louis Clayton indicated that he concurs with the applicant's assessments.

Chairman Soule indicated that the letter of support from Jeff Gershman would be marked as applicant's Exhibit 1.

Ken Heinz read the support letter.

Chairman Soule indicated that it would be made part of the record.

Liza Streett asked if the trees at the northwest corner of the property will have to be removed.

Mr. Strand stated that the large Magnolia will need to be removed to accommodate the new garage.

Chairman Soule asked if that means the hammock has to go.

Mr. Strand replied "yes"; adding that one of the two supporting trees will be gone.

Hearing no further questions or comments, Chairman Soule called for a motion.

Rick Bliss made a motion to grant a 16 foot variance from the required front yard setback of 36 feet {along University} to allow the construction of a detached garage. The motion was seconded by Liza Streett and unanimously approved by the Board.

The variance was granted.

Appeal from Brian Ivy, architect on behalf of Chris Sedlak, owner, for the property at 15 North Meramec Avenue (commercial)

Brian Ivy, project architect and Chris Sedlak, property owner, were in attendance.

Those wishing to speak were sworn-in by Kathy Scott, Planning Technician/recording secretary.

Chairman Soule asked if the City had any exhibits to present.

Acting City Attorney Heinz presented the following exhibits:

1. City of Clayton Zoning Ordinance and City Master Plan
2. Application for Zoning Review and Denial Letter

3. Application for Appeal
4. Drawings submitted by applicant
5. Staff Report

Chairman Soule asked the applicant if he had any objections to these exhibits being made part of the record.

Mr. Sedlak replied “no”.

Chairman Soule announced that these exhibits would be entered into the record.

Mr. Ivy explained that the existing 2-story building was most recently used by a restaurant with restaurant space on the first floor and offices on the second floor; they propose to convert the entire building to restaurant space and incorporate a rooftop dining area. He indicated that the Central Business District Core Overlay does require a rear yard setback and that the existing building already encroaches about 2-foot, 3-inches into the 15-foot setback and that they will be staying within that existing footprint.

Mel Disney asked if they would still need a variance if they simply remodeled.

Louis Clayton replied “no”; adding that an interior remodel would not trigger the need for a variance.

Mr. Ivy reiterated that they are staying within the existing building footprint and that the building is up to the north and south property lines. He indicated that the interior configuration of the building is awkward and that in order to meet Code, two separate exits from the roof to the ground are needed in the event of a fire.

Louis Clayton informed the members that the issue here is the proposed rooftop alteration.

Chairman Soule asked if the stair cases are an issue as well.

Louis Clayton indicated that everything on the roof needs a variance.

Mr. Ivy indicated that the stair is internal; he apologized for the confusion.

Mel Disney asked if the stairs go to the grade to exit.

Mr. Ivy replied “yes”, noting that the grade slopes at the rear.

Mel Disney stated that he hopes the trash gets removed.

A brief discussion regarding the exposed stair in the alley right-of-way ensued, which was noted is not a subject of the variance request.

Mel Disney questioned if it is legal.

Louis Clayton indicated that that is a Public Works Department issue.

Mr. Ivy indicated that they will remove it if required to.

Mary DeBenedetti commented that the rooftop patio is a great idea; much better than sidewalk dining.

Mr. Ivy thanked Mary for her comment.

Mr. Sedlak stated that it was his idea.

Chairman Soule asked for confirmation that the rooftop work is what requires a variance.

Louis Clayton replied “yes”; more specifically the restroom, stair shaft and raising the parapet wall.

Chairman Soule asked if staff believes this to be a minor encroachment.

Louis Clayton replied “yes”.

Chairman Soule asked if staff believes there will be no negative impact to the public’s safety or welfare if this variance is granted.

Louis Clayton replied “yes”.

Chairman Soule asked if staff believes that granting this variance would not be a detriment to surrounding properties.

Louis Clayton replied “yes”.

Chairman Soule asked if staff believes that granting this variance would not impact light or air to adjacent properties.

Louis Clayton replied “yes”.

Chairman Soule asked if staff agrees with the applicant regarding possible alternatives.

Louis Clayton replied “yes”.

Being no further questions or comments, Chairman Soule called for a motion.

Liza Streett made a motion to approve 2-foot, 9 1/8-inch variance from the required rear yard setback of 15-feet to allow the construction of an addition to the existing building. The motion was seconded by Mary DeBenedetti and unanimously approved by the Board.

The variance was granted.

Mr. Sedlak informed the members that they will serve items from mini burgers to lobster and that he hopes to open next spring.

Chairman Soule wished him luck.

The members were informed that there will be a meeting in November.

Being no further business for this Board of Adjustment this evening, the meeting adjourned at 5:50 p.m.

Recording Secretary